

**RESOLUTION NO. 7073**

**A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,  
ESTABLISHING A GIFT TICKET DISTRIBUTION  
POLICY TO CONFORM TO CALIFORNIA CODE OF  
REGULATIONS AS AMENDED BY THE  
FAIR POLITICAL PRACTICES COMMISSION**

**WHEREAS**, on December 11, 2008, the Fair Political Practices Commission (FPPC) amended Section 18944.1 of the California Code of Regulations relating to tickets or passes to events distributed to City officials; and

**WHEREAS**, the new regulation, which became effective February 8, 2009, sets forth the conditions under which a ticket or pass to an entertainment event distributed by an agency to its officials will not be treated as a gift to the official under the Political Reform Act and FPPC regulations; and

**WHEREAS**, under the new regulation, exception to the determination that a ticket is a "gift" if it is:

- (1) treated as income by the City official. The City official would have to report the fair market value of the ticket as income for state and federal income tax laws;
- (2) provided by an outside source and the City official performs a ceremonial role;
- (3) provided to the City official by the City if: (a) the ticket is not earmarked by the original source; (b) the City determines which City official may use the ticket; and (c) the distribution is made pursuant to the City's adopted policy, hereinafter attached as "Exhibit A;" and
- (4) received by the City pursuant to the terms of a contract or the City purchases the tickets for fair market value.

**WHEREAS**, the amended regulation requires that the agency disclose on its website all tickets distributed to its City officials for a public purpose as well as those that the City official will treat as income. Such disclosure is to be made within thirty (30) days after the distribution on a form (Form 802) provided by the FPPC, which shall include the following information:

- (1) name of the person or organization receiving the tickets;
- (2) description of the event;

- (3) date of the event;
- (4) face value of the ticket;
- (5) number of tickets provided to each person/organization;
- (6) if ticket was behested, the name of the City official who behested the ticket; and
- (7) description of the public purpose under which the distribution was made or, alternatively, that the ticket will be treated as income by the City official.

**WHEREAS**, for the purpose of implementing this policy, and completing and posting the FPPC California Form 802, the City Manager or his designee shall be the "Agency Head;" and

**WHEREAS**, the policy conforms to the requirements of Section 18944.1 as set forth above.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That the City Council of the City of South Pasadena hereby approves the "Gift Ticket Distribution Policy" (Exhibit A) to conform with the California Code of Regulations, Section 18944.1, as amended by the Fair Political Practices Commission.

**SECTION 2:** The City Clerk shall certify that the foregoing resolution was adopted by the City Council of the City of South Pasadena at a duly noticed regular meeting held on the 19<sup>th</sup> day of August, 2009.

**PASSED, APPROVED AND ADOPTED ON** this 19<sup>th</sup> day of August, 2009.

(c)(1)



**ATTEST:**

(c)(1)  
(c)(1)  
[Redacted Signature]

**APPROVED AS TO FORM:**

(c)(1)  
[Redacted Signature]  
Richard L. Adams II, City Attorney

**I HEREBY CERTIFY** the foregoing resolution was duly adopted by the City Council of the City of South Pasadena at a regular meeting held on the 19<sup>th</sup> day of August, 2009, by the following vote:

**AYES:** Cacciotti, Putnam, Schneider, Ten and Mayor Sifuentes

**NOES:** None

**ABSENT:** None

**ABSTAINED:** None

(c)(1)  
(c)(1)  
[Redacted Signature]  
Dany Kelly, City Clerk

**EXHIBIT A****City of South Pasadena  
Gift Ticket Distribution Policy****1. Definitions**

- a. "City" shall mean and refer to the City of South Pasadena.
- b. "City Official" shall mean and refer to the City's "public officials," as that term is defined by Government Code section 82048 and Fair Political Practices Commission Regulation 18701.
- c. "FPPC" shall mean and refer to the California Fair Political Practices Commission.
- d. "Policy" shall mean and refer to this Gift Ticket Distribution Policy.
- e. "Ticket" or "ticket" shall mean and refer to a "ticket or pass" as that term is defined in FPPC Regulation 18944.1, as amended from time to time, but which currently defines a "ticket or pass" as admission to a facility, event, show, or performance for an entertainment, amusement, recreational, or similar purpose.

**2. Purpose of Policy**

The purpose of this Policy is to ensure that all tickets the City receives from public and private entities and individuals are distributed in furtherance of governmental and/or public purposes. Tickets received by a City Official pursuant to this policy shall not be considered a gift to that public official.

**3. Limitation**

This Policy shall only apply to the City's distribution of tickets to, or at the behest of, a City Official.

**4. Ticket Distribution Public Purposes**

The City may accomplish one or more of the following governmental and/or public purposes through the distribution of tickets to, or at the behest of, a City Official. The following list is illustrative rather than exhaustive:

- a. Promotion of business activity within the City;
- b. Promotion of City-owned businesses;
- c. Promotion of community resources available to City residents, including charitable and nonprofit organization resources;
- d. Promotion of City resources available to City residents;
- e. Promotion of community programs available to City residents, including charitable and nonprofit organization programs;
- f. Promotion of City-run, sponsored or supported community programs;

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- g. Promotion of private facilities available for City resident use, including charitable and nonprofit organization facilities;
  - h. Promotion of City facilities available for City resident use;
  - i. Promotion of City growth and development;
  - j. Promotion of City tourism on a local, state, national or worldwide scale;
  - k. Promotion of City recognition, visibility, and/or profile on a local, state, national or worldwide scale;
  - l. Promotion of open government by City Official appearances, participation and/or availability at business and/or community events; and
  - m. Increasing public exposure to, and awareness of, the various public recreational, cultural, and education facilities available to the public within the City
5. Public Purpose Requirement  
The distribution of any ticket by the City to, or at the behest of, a City official shall accomplish a governmental and/or public purpose.
6. Transfer Prohibition  
The transfer by any City Official of any ticket distributed to such City Official pursuant to this Policy to any other person, except to members of the City Official's immediate family for their personal use, is prohibited.
7. Website Posting  
This Policy shall be posted on the City website in a prominent fashion.
8. Website Disclosure  
The distribution of a ticket or tickets pursuant to this Policy shall be posted on the City website in a prominent fashion within thirty (30) days after the ticket distribution. Such posting shall use FPPC California Form 802 or such alternate form as from time to time the FPPC may designate.
9. Designation of Agency Head  
For the purpose of implementing this policy, and completing and posting the FPPC California Form 802, the City Manager or his designee shall be the "Agency Head."